

Practitioner's Docket No. MSU 4.1-546

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Donald Penner, Christy L. Sprague and Richard F. Burow

Application No.: 09 / 777,320 Group No.: 1616

Filed: 2001 February 6 Examiner: A. Pryor

For: COMPOSITIONS AND METHODS FOR PROTECTING CULTIVATED PLANTS FROM HERBICIDAL INJURY

Assistant Commissioner for Patents  
Washington, D.C. 20231



RECEIVED  
1616  
AUG 30 2001  
TECH CENTER 1600/2900

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is
- ☐ a small entity. A statement:
    - ☐ is attached.
    - ☐ was already filed.
  - ☒ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 8/22/01

Tammi L. Taylor

Signature

Tammi L. Taylor

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

**NOTE:** See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00

Fee: \$\_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
						OR RATE
TOTAL	* 48	MINUS **	48	= -0-	x\$9= \$	x\$18= \$ -0-
INDEP.	* 7	MINUS ***	7	= -0-	x\$40= \$	x\$80= \$ -0-
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+\$135= \$	+\$270= \$ -0-
					TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$ -0-

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$ \_\_\_\_\_

## FEE PAYMENT

☒ Attached is a ☒ check ☐ money order in the amount of \$ 110.00 (Terminal  
Disclaimer Fee)

☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_

☐ to Deposit Account No. \_\_\_\_\_

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

(Amendment Transmittal [9-19]—page 3 of 4)

### FEE DEFICIENCY

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account  
No. 13-0610

### AND/OR

- ☒ If any additional fee for claims is required, charge Account  
No. 13-0610

Reg. No.: 20,931

Tel. No.: (517) 347-4100

Customer No.: 21036

  
SIGNATURE OF PRACTITIONER

Ian C. McLeod  
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Richard F. Burow  
Serial No.: 09/777,320      Group Art Unit: 1616  
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Examiner : A. Pryor


BOX FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, D. C. 20231

**RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action mailed July 5, 2001, enclosed is the required Terminal Disclaimer along with the required fee of \$110. Notice of Allowance is requested.

Respectfully,

  
Ian C. McLeod  
Registration No. 20,931

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Enclosure: Terminal Disclaimer